

FAQ: Hoarding Ordinance

1. What does this ordinance do?

It amends Chapter 10 (Buildings and Neighborhood Protection) of the Code of Ordinances to add Article XX. It enables the City to deal with the issue of hoarding as it affects the public health and safety. Specifically, it does the following:

- **Makes it unlawful for the occupant of a dwelling unit to store or otherwise to accumulate in or on the dwelling unit objects or substances of a nature or in a quantity reasonably likely to create a hazard to the safety or health of an occupant of another dwelling unit on the same or a contiguous property even if the objects or substances are not visible from a public place or a public right-of-way. (Note that if the hoarding condition has no effect outside the dwelling unit itself, there is no violation, no matter how bad the condition may be. Dangerous conditions can be addressed under other authority, such as Article IX of Chapter 10, the Fire Code or, in limited circumstances, the City's police power).**
- **Provides authority to enter a property with written or verbal permission of an occupant or by authority of a warrant issued by a magistrate (municipal court judge).**
- **Provides authority for the enforcing official to consult with MHMRA of Harris County or another nonprofit mental health organization approved in writing by the Police Chief.**
- **Makes the Police Chief primarily responsible for the enforcement of the ordinance in coordination with the Fire Chief, the City Attorney and the directors of health and human services, neighborhoods, and public works and engineering as appropriate.**
- **Requires the Police Chief, in coordination with the above directors, Fire Chief and City Attorney, to prepare a common operating procedure for enforcement.**

2. Why do we need this ordinance?

Because under the current Code of Ordinances we can address hoarding only if it is visible from a public place or public right-of-way. Yet hoarding inside a dwelling unit can be a health and safety hazard to the inhabitant as well as to his/her neighbors just as much as exterior hoarding. Disease, rats, roaches, flies, maggots and fire issues stemming from the hoarding behavior, inside and out, threaten occupant and neighbor alike. Thus the Health, Fire, Police and Neighborhoods Departments as well as apartment managers and condominium management need to be able to address hoarding inside as well as outside a dwelling unit.

3. What dwellings are affected by this ordinance?

Condominiums, town homes with a common wall and any property, containing two or more dwelling units, including apartment complexes, are covered by this ordinance. Single family homes are not covered.

4. Will the ordinance interfere with private property rights?

A hoarder has the right to be left alone in his property, but his neighbor has a right to use HIS property without threat from rats, insects, nasty odors, fire hazards and other conditions inherently dangerous to public health and safety. All private property in the U.S. is held subject to certain powers of government. An important function of government is to referee

conflicting citizen interests. The ordinance strikes a balance between competing sets of private property rights and also considers the rights of the public as a whole.

5. Are we penalizing persons with a mental illness?

No. The ordinance acknowledges the role that mental health may play in hoarding behavior and seeks to protect both the general welfare of the public and the hoarder. It encourages consultation with a non-profit mental health organization in carrying out enforcement. The ordinance will provide a police officer with explicit authority to refer the hoarder to a mental health agency instead of entering him/her into the criminal justice system.

6. Who supports the ordinance?

The Houston Apartment Association, the Community Associations Institute, the Mental Health Mental Retardation Association, the Houston Police and Fire Departments and the Department of Neighborhoods and Health Department